

# EXHIBIT 26

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 CHEVRON CORPORATION,

4 Plaintiff,

New York, N.Y.

5 v.

11 Civ. 691(LAK)

6 STEVEN DONZIGER, *et al.*,

7 Defendants.

8 -----x

Argument

9 May 8, 2018

4:40 p.m.

10 Before:

11 HON. LEWIS A. KAPLAN,

12 District Judge

13  
14 APPEARANCES

15  
16 GIBSON, DUNN & CRUTCHER, LLP

17 Attorneys for Plaintiff

18 BY: RANDY M. MASTRO

19 ANDREA E. NEUMAN

ANNE CHAMPION

ALEJANDRO A. HERRERA

20 STERN & KILCULLEN, LLC

21 Attorneys for Plaintiff

22 BY: HERBERT J. STERN

23 STEVEN R. DONZIGER

24 Pro Se Defendant

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1 MR. MASTRO: Thank you.

2 Thank you, Mr. Donzinger. Sorry.

3 MR. DONZINGER: Your Honor, good afternoon.

4 Mr. Mastro could not be more wrong, and I'm going to tell you  
5 why.

6 Chevron exhibited tremendous bad faith in its initial  
7 motion to hold me in contempt by citing the wrong order. They  
8 cited your originally RICO judgment rather than the  
9 clarification order that you issued on my motion on April 25,  
10 2014.

11 THE COURT: Mr. Donzinger, that was not a  
12 clarification order. That was a ruling on a motion for a stay  
13 pending appeal.

14 MR. DONZINGER: Be that as it may, in that order you  
15 made it explicit that my clients in Ecuador were allowed to  
16 sell their shares in the judgment to finance litigation  
17 expenses, that is, to sell shares to investors in anticipation  
18 of some sort of future collection, and you distinguished  
19 between doing that and actually selling shares that I owned  
20 myself to profit personally.

21 And they have not met their burden. They haven't  
22 presented one iota of evidence. And the Greenwald -- Lee  
23 Grinberg affidavit does not make this out. It describes me  
24 going to a meeting, trying to sell shares of my clients, not my  
25 own shares. There is no evidence. And I promise you if you

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1 got Mr. Grimwald in here to testify, he could provide no  
2 evidence, or Ms. Sullivan, that I ever have attempted or ever  
3 have sold my shares. I am allowed, if I sell the shares of my  
4 clients, to get paid for my work on this case. You yourself  
5 said that in the April 25 order and I can quote that right  
6 here.

7 You said: "Thus as long as no collections are made in  
8 respect to the Lago Agrio judgment," which has never happened,  
9 "the New York judgment could not prevent Donzinger from being  
10 paid just as he has been paid" -- you put an amount of money in  
11 there -- "over the last nine or ten years." I'm going on your  
12 guidance from April 25.

13 Further, I feel like I have been acting in full  
14 compliance with the order as explained in docket 1801. His  
15 little booklet is almost all citing docket 1875. But in 1801,  
16 your Honor explicitly said we could sell shares to fund the  
17 litigation. You said it in multiple ways.

18 In terms of monetization -- let me just cite one other  
19 quote. You said on page 3 of the judgment, 1801:

20 "Significantly, the New York judgment did not restrict the  
21 other LAPs, who remain free to sell, assign, or transfer their  
22 interests, if any, in the Lago Agrio judgment and to seek to  
23 enforce it anywhere in the world."

24 I'm selling, as an intermediary, the points or the  
25 aspects of the judgment that are held by my clients. I am not

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1 decision carefully, got comfortable with it precisely because  
2 your Honor tailored the relief very narrowly and made it  
3 explicit that the Second Circuit's decision that this judgment  
4 could be enforced by the Ecuadorians anywhere in the world  
5 really prevented exactly what Mr. Mastro and Chevron are  
6 seeking here, which is a complete shutdown of the ability of  
7 the Ecuadorians -- and I am still their lawyer, OK. I have a  
8 right to help my clients fund their own litigation. I have a  
9 right, with my client's permission, to be paid for my work.  
10 And none of this money violates the RICO judgment. And  
11 Mr. Mastro is just wrong. And I really fear for this case,  
12 which is making, by the way, tremendous progress in another  
13 jurisdiction, but I fear for this case if your Honor grants  
14 what Mr. Mastro is seeking. Because at that point this case,  
15 which is exactly what they want because they cannot win, in my  
16 opinion, on the merits, they want to shut this down through the  
17 back door by drying up financing.

18 I have been in full compliance with your Honor's  
19 order. I really urge you not to grant their motion to hold me  
20 in contempt. This is the sixth time they've tried to do that.  
21 They want to wave around that Donzinger was held in contempt.  
22 I've had to live with a RICO judgment on me now for many years,  
23 sir. It has not been easy. Now they want a contempt citation.

24 This case is playing out around the world, in Canada  
25 right now. Your judgment stands on its own. You found fraud,

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1 OK. The evidence is what it is. This ultimately will be  
2 reviewed by Canadian courts, and I would urge you to please let  
3 this process play out without denying the ability of my clients  
4 to continue to fund this action, because I can tell you, and I  
5 will represent right here, that I am the lifeline for people in  
6 Ecuador to raise money. And I don't want intimidation to the  
7 funders that I have had to solicit from this camp, which they  
8 have done repeatedly and they did, as you know, during the RICO  
9 case with Burford and Russ DeLeon and many others. If that  
10 goes down again, which is what they really want to do by  
11 getting this discovery, it will be virtually impossible for the  
12 indigenous peoples of Ecuador and the farmer communities of  
13 Ecuador to raise money to fund this litigation.

14 It's not fair, and that's why I say it's SLAAP,  
15 because it really is designed -- I have a right to advocate, no  
16 matter what you think of me, and I know you don't have a very  
17 high opinion of me. I have a right to continue advocating for  
18 my clients, and I have a right to sell their shares to raise  
19 money for perfectly legal action in Canada that is progressing,  
20 as you know, with three straight appellate court victories in  
21 our favor.

22 So I don't get what's happening here. This is an  
23 attack on the First Amendment and the ability of me to be a  
24 lawyer or an advocate because, as you know, I might not be a  
25 lawyer because there's a Bar complaint against me based on your